

TTAB

TRADEMARK
02872-T0001A GSW/AIC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIALS AND APPEALS BOARD**

Applicant	Rosch Holding S.A.
Serial No. 75/504,609	Filing Date: June 18, 1998
Trademark	ROSCH
Law Office: 116	Trademark Attorney: Andrew Benzmilller

BOX TTAB – NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



08-27-2004

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #66

**REQUEST FOR REMAND & RESTORATION OF JURISDICTION TO EXAMINING
ATTORNEY TO CONSIDER HSOWING OF ACQUIRED DISTINCTIVENESS**

Dear Sir:

Applicant, pursuant to 37 C.F.R. §2.142, hereby requests that the Trademark Trial and Appeal Board ("Board") remand and restoration of jurisdiction to the Examining Attorney for consideration of Applicant's Amendment to rely on Acquired Distinctiveness under Section 2(f).

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

August 20, 2004



Marvalice Glass

Applicant filed an amendment to allege use on October 22, 2001, which was accepted by the examining attorney on December 12, 2001. . Applicant now wishes to enter the following Amendment:

Applicant amends the application to assert a claim of acquired distinctiveness under Section 2(f). Applicant attached as Exhibit 1 a declaration in support of the amendment.

Therefore, Applicant respectfully requests that the Board remand the application to the examining attorney and restore jurisdiction to him for the purpose of considering Applicant's amendment to the rely on Acquired Distinctiveness under Section 2(f).

Respectfully submitted,


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02872-T0001A GSW/SPM/AIC

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Declaration of Hans J. Rohrer

Hans J. Rohrer hereby declares as follows:

1. I am an officer of Applicant Rosch Holding S.A.. I make this declaration based on my own knowledge and records of the Applicant kept in the ordinary course of business.
2. The mark ROSCH has become distinctive of Applicant's TOILETS FEATURING ELECTRIC FLUID CONTROLS AND SEATS SOLD THEREWITH by reason of the substantially continuous and exclusive use by the Applicant of the mark ROSCH in commerce in connection with the identified goods for the five years preceding the date of this statement. Applicant made first use of the mark on the identified goods at least as early as October 1998.
3. I hereby declare that all statements made herein of my own knowledge are true, all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements and the like so made may jeopardize the validity of the application or document or any registration resulting therefrom.

20 August 2004
Date

He

Hans J. Rohrer
ROSCH HOLDING S.A.

